

Ordinance No: 16-34  
Zoning Text Amendment No: 08-17  
Concerning: Wheaton Central Business  
District - Boundaries  
Draft No. & Date: 1 – 12/3/08  
Introduced: December 9, 2008  
Public Hearing: January 13, 2009  
Adopted: February 10, 2009  
Effective: March 2, 2009

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: District Council at the Request of the Planning Board

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- revising the boundaries of the Wheaton Central Business District

By amending the following section of the Montgomery County Zoning Ordinance,  
Chapter 59 of the Montgomery County Code:

ARTICLE 59-C  
DIVISION 59-C-6

“ZONING DISTRICTS; REGULATIONS”  
“CENTRAL BUSINESS DISTRICT ZONES”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws  
by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from  
existing law by the original text amendment.*  
*Double underlining indicates text that is added to the text  
amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment No. 08-17 was introduced on December 9, 2008. The Wheaton Sector Plan Amendment, adopted on December 9, 2008, recommended changes to the CBD boundary and applying CBD zones in the newly included area. ZTA 08-17 is necessary to implement those recommendations. Central Business District (CBD) zones can only be applied in a Central Business District. These districts are defined by Ordinance.

The Montgomery County Planning Board, in its report to the Council, recommended that the text amendment be approved.

The County Council held a public hearing on January 13, 2009 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession to review the amendment on February 2, 2009. The Committee (3-0) recommended approval of ZTA 08-17. The Committee further recommended including a map of the Wheaton CBD with the Ordinance as an attachment.

The District Council reviewed Zoning Text Amendment No. 08-17 at a worksession held on February 10, 2009 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 08-17 will be approved with amendments to the material attached to the Ordinance.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following ordinance:*

1       **Sec. 1. DIVISION 59-C-6 is amended as follows:**

2       **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES**

3       **Sec. 59-C-6.1. Zones established.**

4       \* \* \*

5       **59-C-6.12. Central business districts.**

6       The central business districts are located as follows, and may be amended in  
7       accordance with the procedure for text amendments as set forth in division 59-H-9:

8       \* \* \*

9       (d)     **Wheaton Central Business District.** All of the area contained within the  
10       metes and bounds description attached to Ordinance No. [8-86] 16-34,  
11       adopted February 10, 2009.

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13       **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
14       date of Council adoption.

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16       This is a correct copy of Council action.

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19       *Linda M. Lauer*

20       Linda M. Lauer, Clerk of the Council

METES AND BOUNDS DESCRIPTION OF PROPOSED  
WHEATON CENTRAL BUSINESS DISTRICT BOUNDARY  
(as modified December 2008)

Being all of the lots, blocks, parcels, or portions thereof which are contained within the perimeter described as follows:

Beginning at a point on the north side of University Boulevard, West said point being the intersection of the west line of Lot 5 in Block A with the aforesaid right-of-way as shown on a plat of Triangle Park recorded October 11, 1926 in Plat Book 4, Plat 330 among the land records of Montgomery County, Maryland and running thence with said lot line N26°56' W approximately 60 feet to intersect a southwesterly prolongation of the west line of Lot 21 Block A as shown on the aforesaid subdivision of Triangle Park; thence with said southwesterly prolongation N13°26' E and crossing parts of Lot 5 and 4 in Block A approximately 112 feet to the southwest corner of said Lot 21; thence N13°26' E and with the west line of Lot 21, 171.55 feet to intersect the south right-of-way line of Kensington Boulevard; thence southeasterly and with said right-of-way line approximately 16 feet to intersect a southwesterly prolongation of the west line of Parcel B in Block 44, as shown on plat number 9 of Wheaton Hills as recorded November 18, 1947 in Plat Book 32, Plat #2058 among the Land Records of Montgomery County, Maryland; thence leaving said south right-of-way line and running with the aforesaid prolongation N10°42'40" E for a distance of 80 feet to intersect the north right-of-way line of Kensington Boulevard; thence N10°42'40" E and running with the aforesaid west line of Parcel B, 295.53 feet; thence N71°07'27"W, 49.30 feet; thence N76°40'40"W, 126.53 feet to the southwest corner of Lot 3 in Block 44 as shown on the aforesaid Plat 9 of Wheaton Hills; thence along the west line of said Lot 3, N15°17'58"E, 108.48 feet to intersect the south right-of-way line of Blueridge Avenue; thence N15°17'58"E, 25 feet to intersect the centerline of Blueridge Avenue; thence southeasterly along said centerline for a distance of approximately 602 feet to intersect the centerline of Georgia Avenue; [thence with the centerline of Georgia Avenue N1°15'30"W, 115 feet to intersect a westerly projection of the north line of the Villa Verde Subdivision, as recorded December 12, 1928 in Plat Book 4, Plat #388 among the Land Records of Montgomery County, Maryland; thence easterly with said westerly projection 50.5 feet to intersect the east right-of-way line of Georgia Avenue; thence continuing easterly with said north line of Villa Verde S86°12'30"E, 507.34 feet to the northeast corner of Lot 8 in the aforesaid Villa Verde Subdivision; thence S3°47'30"E, 115 feet to intersect the centerline of

59 Blueridge Avenue; thence easterly with said centerline of Blueridge Avenue 35  
 60 feet to intersect the centerline of Elkin Street; thence in a southerly direction and  
 61 with said centerline for an approximate distance of 325 feet;] thence with the  
 62 centerline of Georgia Avenue N1°33'10"W, 630 feet to a point perpendicular to the  
 63 westerly end of the northerly line described in a deed from James S. Netterstrom,  
 64 Personal Representative of the Estate of Harriet R. Jones, to Washington  
 65 Metropolitan Area Transit Authority, dated February 27, 1985 and recorded among  
 66 the Land Records of Montgomery County, Maryland in Liber 6703 at folio 542;  
 67 thence crossing Georgia Avenue N88°26'50"E, 46 feet to the easterly right-of-way  
 68 line of Georgia Avenue and the westerly end of the northerly line described in  
 69 Liber 6703 at folio 542; thence running with the northerly and easterly lines  
 70 described in Liber 6703 at folio 542 N87°36'47"E, 517.38 feet and S01°20'09.7"E,  
 71 402.74 feet to a point at the westerly end of the northeasterly line of Parcel C of the  
 72 Villa Verde Subdivision as recorded in Plat Book 106, Plat 12251 among the Land  
 73 Records of Montgomery County, Maryland; thence running with the northeasterly  
 74 line of said Parcel C; S75°58'10"E, 96.65 feet to the easterly end of the  
 75 northeasterly line of said Parcel C and the westerly right-of-way line of Elkin  
 76 Street; thence S68°31'39"E, 35 feet to intersect the centerline of Elkin Street;  
 77 thence in a southerly direction and with said centerline for an approximate distance  
 78 of 575 feet; thence with the westerly prolongation of a Commercial Zoning  
 79 Boundary (C-2) as shown on the identification plat filed July 27, 1953 in Zoning  
 80 Application A-1054; thence with said prolongation N88°40'30"E approximately 37  
 81 feet to intersect the east right-of-way line of Elkin Street; thence along said zoning  
 82 boundary and crossing a part of Lot 2, Block 2 in Wheaton Manor Subdivision,  
 83 recorded April 14, 1953 in Plat Book 45, Plat 3390 among the Land Records of  
 84 Montgomery County, Maryland, N88°40'30"E, 90.76 feet; thence continuing with  
 85 said zoning boundary S75°04'20"E, 324.54 feet to intersect the west line of Lot 1,  
 86 Block 2 in the aforesaid Wheaton Manor Subdivision; thence crossing said Lot 1 in  
 87 Block 2, S75°04'20"E, approximately 101 feet to intersect the west right-of-way  
 88 line of Amherst Avenue; thence S75°04'20"E, 35 feet to the centerline of Amherst  
 89 Avenue; thence southwesterly and with said centerline 210 feet to intersect the  
 90 centerline of University Boulevard West; thence N75°04'20"W, 20 feet to intersect  
 91 a northeasterly prolongation of the centerline of the adjacent southerly segment of  
 92 Amherst Avenue; thence southerly along the aforesaid centerline, 820 feet to  
 93 intersect the adjacent southerly segment of the centerline of Amherst Avenue,  
 94 located at the intersection of Reddie Drive; thence southerly with said centerline  
 95 965 feet to intersect the centerline of Prichard Road; thence southwesterly along  
 96 said centerline 495 feet to intersect the centerline of Veirs Mill Road; thence  
 97 northwesterly along said centerline 2075 feet to intersect the centerline of  
 98 University Boulevard West; thence northeasterly with said centerline 460 feet to

intersect the southeasterly prolongation of the west lot line of Lot 5 Block A in the Triangle Park Subdivision as recorded October 11, 1926 in Plat Book A, Plat 338 among The Land Records of Montgomery County, Maryland; thence N26°56'W, 50 feet to the point of beginning.

Explanation:

Underlining indicates material added to the description attached to Ordinance 8-86.

[Brackets] indicates material deleted from the description attached to Ordinance 8-86.

This description is based on deeds and plats of record and does not represent a boundary survey of any of the properties currently lying in the Wheaton CBD zone or to be added to the Wheaton CBD zone. The description identifies the area in the Wheaton CBD in the following illustration.

